UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,624	05/14/2007	Haseeb Akhtar	16812RRUS06N	2298

33000   7590   02/17/2011

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER
ALGIBHAH, HAMZA N

ART UNIT	PAPER NUMBER
2448	

NOTIFICATION DATE	DELIVERY MODE
02/17/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
munckcarter@gmail.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 November 2010_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13 and 22-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13 and 22-25_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _24 August 2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Amendment

1.   This communication is responsive to the amendment filed on November 29,

2010.

2.   **Claim 1** has been amended.

3.   **Claims 1-13 and 22-25** have are pending.

4.   **Claims 1-13 and 22-25** have are rejected.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   ***Claims 1 and 9-13 are rejected*** under 35 U.S.C. 103(a) as being as being

anticipated over Sayeedi et al (Pub No.: US 2002/0145999 A1) and further in view of

Bao et al (Pub. No.: US 2004/01966826 A1).

       As per claim 1, Sayeedi discloses: a method of operating a packet

network, the method comprising:

-       ***processing a message*** (Sayeedi, paragraph 0006) wherein the request

received can be the message as claimed ***in a standardized interface*** (Sayeedi,

paragraph 0005) wherein the A1 through A11 interfaces can be the standardized

as claimed, *the message including an indicia* (Sayeedi, paragraph 0005) wherein the DRS bit included in the request can be the indicia as claimed. Sayeedi does not specifically disclose *identifying a packet application in response to the indicia.* However Bao discloses *identifying a packet application in response to the indicia* (Bao, paragraph 0036).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of identifying the packet application into Sayeedi System because this would have provided a way to optimize the system to process messages differently based on the application corresponding to the message;

As per claim 2, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A1 interface (Sayeedi, Fig 1, paragraph 0005); Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A1 interface between the Source BS and the MSC;

As per claim 3, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A3 interface (Sayeedi, Fig 1, paragraph 0005); Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A3 interface between the Target BS and the Source BS;

As per claim 4, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A5 interface (Sayeedi, Fig 1, paragraph 0005); Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A5 interface between the Source BS and the MSC;

As per claim 5, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A7 interface (Sayeedi, Fig 1, paragraph 0005); Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A7 interface between the Target BS and the Source BS;

As per claim 6, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A9 interface (Sayeedi, Fig 1, paragraph 0005); Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A9 interface between the Source BS and the PCF;

As per claim 7, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A10 interface (Sayeedi, Fig 1, paragraph 0005); Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A10 interface between the PCF and the PDSN;

As per claim 8, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A11 interface (Sayeedi, Fig 1, paragraph

0005*);* Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of

A11 interface between the PCF and the PDSN;

As per claim 9, claim 1 is incorporated and Sayeedi further discloses

that the packet application is a control plane packet application (Sayeedi,

Fig 1, paragraph 0020, 0025*);*

As per claim 10, claim 1 is incorporated and Sayeedi further

discloses that the packet application is a bearer packet application

*(*Sayeedi, paragraph 0006*);*

As per claim 11, claims 1 is incorporated and Sayeedi does not

specifically disclose that the packet application is a push-to-talk packet

application. However Bao discloses **that the packet application is a push-to-**

talk packet application (Bao, abstract, paragraph 0036).

Therefore it would have been obvious to one of ordinary skill in the art at

the time of invention was made to incorporate Bao teaching of using a push to

talk packet application into Sayeedi System because this would have provided a

way to optimize the system to support the push-to-talk applications;

As per claim 12, claims 1 is incorporated and Sayeedi does not

specifically disclose that the packet application is a Voice-over-IP packet

application. However Bao discloses *that the packet application is a Voice-over-IP packet application* (Bao, abstract, paragraph 0036).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of using a push to talk packet application into Sayeedi System because this would have provided a way to optimize the system to support the VOIP applications;

As per claim 13, claims 1 is incorporated and Sayeedi does not specifically disclose that the packet application is a delay-sensitive packet application. However Bao discloses *that the packet application is a delay-sensitive packet application* (Bao, abstract, paragraph 0036).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of using a push to talk packet application into Sayeedi System because this would have provided a way to optimize the system to support the delay-sensitive applications;

7.   *Claims 22-25 are rejected* under 35 U.S.C. 103(a) as being as being anticipated over Sayeedi et al (Pub No.: US 2002/0145999 A1) and further in view of Bao et al (Pub. No.: US 2004/01966826 A1) and Selvaggi et al (Pub. No.: US 2004/0193709 A1).

As per claim 22, Sayeedi discloses: a method of operating a packet network, comprising the steps of:

- ***processing a message*** (Sayeedi, paragraph 0006) wherein the request received can be the message as claimed ***in a standardized interface*** (Sayeedi, paragraph 0005) wherein the A1 through A11 interfaces can be the standardized as claimed, ***the message including an indicia*** (Sayeedi, paragraph 0005) wherein the DRS bit included in the request can be the indicia as claimed. Sayeedi does not specifically disclose ***that the indicia indicating a packet application to be transported across the interface; identifying a packet application in response to the indicia.*** However Bao discloses ***that the indicia indicating a packet application to be transported across the interface; identifying a packet application in response to the indicia*** (Bao, paragraph 0036).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of identifying the packet application into Sayeedi System because this would have provided a way to optimize the system to process messages differently based on the application corresponding to the message.

Neither Sayeedi nor Bao specifically discloses:

- ***distinguishing a first type of content in the packet application from a second type of content in the packet application; and***

- ***treating the first type of content differently from the second type of content.*** However Selvaggi discloses ***distinguishing a first type of content in the packet application from a second type of content in the packet***

application; and treating the first type of content differently from the

second type of content (Selvaggi, paragraph 0054).

Therefore it would have been obvious to one of ordinary skill in the art at

the time of invention was made to incorporate Bao teaching of distinguishing type

of content in the packet application and treating each type differently as claimed

into Sayeedi and Bao System because this would have provided a way to

provide different level of quality services to different users or applications.

As per claim 23, claim 22 is incorporated and Selvaggi further

discloses raising a priority level associated with the first type of content

(Selvaggi, paragraph 0054);

As per claim 24, claim 22 is incorporated and Sayeedi further

discloses that the first type of content is a signaling packet and the second

type of content is payload packet (Sayeedi, paragraph 0020);

As per claim 25, claim 22 is incorporated and Bao further discloses

that the first type of content is a control place packet and the second type

of content is bearer packet (Bao, paragraph 0016, 0018);

Response to Arguments

5.   Applicant's argument filed on 11/29/2010 has been fully considered but they are

not persuasive. In remarks, the applicant argues in substance:

(1)   Applicant argues that ***Bao does not disclose identifying a packet application***

in response to an indicia in a message processed in a standardized interface.

(1)   Examiner respectively disagrees.

Looking to the Bao paragraph 0036, Bao discloses that the mobile station will detect a

voice over data-packet application using parameters for the voice over data-packet

application. Therefore Bao does not disclose identifying a packet application in

response to an indicia. Regarding the limitation "message processed in a standardized

interface", Sayeedi the primary reference is used to teach this limitation. See paragraph

0005 wherein the A1 through A11 interfaces can be the standardized interface as

claimed.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

7.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMZA ALGIBHAH whose telephone number is (571)270-7212. The examiner can normally be reached on Monday-Thursday, 7:30AM-5:00PM, EST, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, seehttp://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HAMZA ALGIBHAH/
Examiner, Art Unit 2448

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2448